away and converting to their own use the inexhaustible banks of clay there to be found which clay is of a character specularly valuable to your Orator being of that sort known as aluminous clay and worth to your Orator a large sum of money to wit, the sum of $ all which the said defendants declare they mean to use in the construction of the said aqueduct or for purposes connected therewith both on and off your Orators land. In the procuring of said clay and in the construction of said aqueduct they aver their intention of digging up the soil of your Orator to a great depth; and for the purpose of forming an aqueduct through your Orators land will necessarily be compelled to go to the depth of twelve or fifteen feet in many places and in others where the land is lower will be compelled to raise great banks upon the land of your Orator, also to erect brick walls through his said land and to cause a large and perpetual stream of water to flow through said land for the sole use and benefit of the said aqueduct and to the entire exclusion of your Orator all which they declare it is their intention to do. This your Orator alleges will be doing irreparable damage to your Orator by permanently dividing the land of your Orator not only to depriving him of the said valuable clay and of the use of the land over and through which the said deep holes shall be dug and the said ditches shall be cut and the said aqueduct shall be built but totally and forever obstructing him in his necessary use of his land for tillage and his passage and progress for farming and other purposes from one part to the other of that portion of his said land so as aforesaid intended to be divided dug up built upon and obstructed. Your Orator has instituted his action of trespass Quare Clausum Fregit in the Circuit Court for Montgomery County aforesaid for the purpose of recovering damages against the defendants for the said trespass in the trial of which cause his rights will be adjudged by said Court and justice done unto your said Orator so far as relates to said past trespasses but not to any trespass which may be subsequently committed or the exercise of any preventive justice by which they may be restrained from doing irreparable damage to your Orator. And your Orator states and charges that said William H. Pile, John Cameron, James Paine, James Hutchinson and John Moore pretend that in all their trespasses which as above charged they have committed and for all they threaten and meditate doing as now set forth they are authorized and protected by the orders of the Executive of the United States of America such action of said Executive authority not being sanctioned by any act of the Congress

of the United States as your Orator avers, under which any taking of private property for any actual or pretended public use could be justified but the only purpose of such action being the supplying of water to the City of Washington or the cities of Washington and Georgetown beyond the territory of the State of Maryland for which supply the Congress of the United States has made merely from time to time appropriations without any legislative enactment whatsoever prescribing the taking or appropriating of property or any other proceeding or means for effecting such supply. And your Orator further states that said pretended authority of the United States under an act of the General Assembly of Maryland passed at January Session of the year 1853. (Chapter 179) which purports (invariably & ineffectually as your Orator insists) to give authority to the United States "to purchase land for supplying water through construction of dams, reservoirs, conduits and other works" and over such land to exercise necessary jurisdiction concurrently with the said State and authorizing in case of owners of lands and materials not agreeing with the United States for a sale adverse appropriation of such lands and of requisite materials from lands in Maryland by condemnation and an valuation in manner as prescribed in the case of the Chesapeake and Ohio Canal Company on occasions for land and materials for that Company's works. And your Orator avers that no act of Congress allowing any purchase by or for the United States was ever passed nor was any attempt by or for the United States ever made towards an agreement with your Orator for a purchase of his land as aforesaid with reference to the said works. And your Orator insists and charges that all pretended authority and sanction aforesaid under said action of the Executive authority of the United States under such Act of the General Assembly of Maryland is repugnant to the Constitution of the United States of America and the Constitution of the State of Maryland and a part from any constitutional interest and without regard to any organic law or principle of written law is invalid and cannot operate or deprive your Orator of his property to transfer it to a municipal corporation or corporations beyond the limits of a State within whose jurisdiction and protection it lies, and for no public purpose of the State of Maryland nor for a purpose connected with the United States of America as such and of a Federal or general character nor even so declared to be in said act of Assembly or in any action of Congress of the United States. All which acting doings and pretences are contrary to Equity and good conscience and tend to the manifest wrong and injury of your Orator in the premises. In tender consideration